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August 28, 2009

VIA FACSIMILE and ECF ONLY

Hon. Patty Schwartz
United States Magistrate Judge
United States District Court
District Court for the District of New Jersey
Martin Luther King Jr. Building and
United States Courthouse 50 Walnut Street
Newark, New Jersey 07101

Re: Marquise Randle v. Borough of Roselle, et al.
Docket No.: 2:08-cv-04840 (FSH)(PS)

Honorable Magistrate Schwartz:

Please be advised we are counsel to the plaintiffs in the above-referenced case.

Pursuant to the agreement entered into by all parties during our last telephone conference, your Honor directed that the settlement drafts in this matter were to be received by August 28, 2009. To date, we have yet to receive the settlement drafts and all attempts to contact Michael Miranda, the attorney representing the Borough of Roselle and the Borough of Roselle Police Department, have gone unanswered. In fact, the only response I was able to obtain from Mr. Miranda's office came from a secretary who stated "don't worry, you'll be getting the checks".

Unfortunately, such dilatory behavior should not be tolerated. Our office fully complied with any and all directives the Court issued during the last telephone conference. However, the same cannot be said for the defendants. It is unconscionable that my client has had to wait such an extended amount of time to obtain the agreed upon settlement drafts. As previously stated, my client is now enrolled in college and desperately in need of these funds.

In fact, the defendants chose to violate the settlement agreement by filing the Stipulation of Dismissal with the Court, prior to our receipt of the settlement drafts. Paragraph number 11 of the settlement agreement specifically states the defendants were to "hold the Stipulation of Dismissal in escrow until plaintiffs' attorney received the settlement drafts".

I am therefore requesting the Court issue sanctions against the defendants, or in the alternative, permit my client to enter Judgment and obtain interest and costs.

Respectfully submitted,

SCOTT E. RYNECKI (SR 4339)

SER/sv

cc: via facsimile
Kathryn Hatfield, Esq., Counsel for Craig Howlett
Douglas Motzenbecker, Esq., Counsel for Denis Kelleher
Michael Miranda, Esq., Counsel for Borough of Roselle & Borough of Roselle Police Dept.
Raymond Hamlin, Esq., Counsel for Jermaine Randle